

15/Reconsideration
3/4/03



PATENT
Customer No. 22,852
Attorney Docket No. 01413.0011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Nancy E. MILLER et al.) Group Art Unit: 2672
)
Application No.: 09/408,716) Examiner: A. J. BLACKMAN
)
Filed: September 30, 1999)
)
RCE Filed: January 6, 2003)
)
For: Methods and Apparatus for)
Displaying Disparate Types of)
Information Using an Interactive)
Surface Map)

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Commissioner for Patents
Washington, DC 20231
Sir:

Request for Reconsideration

This Request for Reconsideration constitutes a submission filed together with a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. The RCE is being filed after issuance of a Final Office Action in this case, the merits of which are responded to below.

Summary of Final Office Action

Claims 1-10, 12-14 and 16-17 are pending in this application. In a final Office Action dated August 5, 2002, the Examiner rejected claims 1-2, 4-9, and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,986,673 to Martz ("Martz")¹ in view of U.S. Patent No. 5,574,837 to Clark et al. ("Clark"); rejected claims 3 and 10 under 35 U.S.C. § 103(a) as

being unpatentable over Martz in view of Clark and further in view of U.S. Patent No. 5,619,709 to Caid et al. ("Caid"); and rejected claims 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Caid in view of Clark.

Summary of Request for Reconsideration

Applicants respectfully traverse the Examiner's rejections for at least the reasons provided. Accordingly, Applicants respectfully request reexamination and timely allowance of all pending claims.

Reply to the Office Action

The rejections of claims 1-10, 12-14, and 16-17 as unpatentable under 35 U.S.C. § 103(a) are respectfully traversed, since a *prima facie* case of obviousness has not been made by the Examiner. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every step recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." (See M.P.E.P. § 2143 (8th Ed. 2001).) Applicants submit that these requirements have not been met for at least the following reasons.

(...continued)

¹ In the Office Action, the Examiner rejected these claims over U.S. Patent No. 5,986,673 to "MART." However, Patent No. 5,986,673 was issued to Martz. Therefore, Applicants believe this to be a typographical error, and have responded to the rejections as being properly based on Martz.

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Rejection of claims 1-10

Regarding independent claim 1, the Examiner has admitted that Martz “does not expressly disclose ‘generating a second visual representation of a plurality of the records in the set; receiving from a user selecting a subset of the records from the first surface map; and altering a visual representation of the record in another view.’” (Office Action at p. 3.) Instead, the Examiner has alleged that “CLARK disclose/suggests the aforementioned features” and that “[I]t would have been obvious to one skilled in the art at the time of the invention to utilize... CLARK et al. with the method for data display [of Martz]” (Office Action at pp. 3-4) to achieve the claimed combination. While Applicants disagree with the Examiner’s paraphrasing of the claim language, Applicants agree that Martz does not disclose “generating a second visual representation of a plurality of the records in the set; receiving input from a user selecting a subset of the records from the first surface map; and altering the second visual representation to highlight the selected subset,” as required by claim 1. Furthermore, for at least the following reasons, Applicants respectfully submit that Clark does not cure the deficiencies of Martz.

Independent claim 1 recites a combination including, inter alia, “generating a second visual representation of a plurality of the records in the set.” Clark does not disclose or suggest at least this step. In Clark,

a user can access the code segments represented by the cluster interface 500 by using an input device such as a mouse (not shown) to highlight one of the leaves of cluster interface 500. This causes a secondary interface to be generated. Figure 6 illustrates an illustrative embodiment of secondary interface 600. Col. 6:15-20.

Applicants submit that Clark’s secondary interface 600 is not a “visual representation,” as required by claim 1. Secondary interface 600 comprises a textual display of the code for one or

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more functions (records) selected by the user. Textual representations of a record (such as is shown by Clark's secondary interface) do not allow a user to compare in context the relationships among records. Even when the textual representation of multiple records are shown side by side, users cannot easily see the records in any context. Such a representation requires the user to mentally perform comparisons and mentally organize the information displayed to gain any understanding. Instead, claim 1 recites a combination of steps including both "generating a first surface map" and "generating a second visual representation of a plurality of the records in the set." The use of a surface map and a second visual representation eliminates the need for the user to perform the mental comparisons necessary to put individual records into context. Clark, therefore, does not teach or suggest at least a "second visual representation of a plurality of the records in the set" as required by claim 1. Accordingly, Applicants submit that the Examiner has failed to set forth a prima facie case for obviousness of claim 1. Applicants therefore respectfully request the timely allowance of claim 1, and claims 2-10 depending therefrom.

Rejection of claims 3 and 10

Applicants submit that claims 3 and 10 are allowable at least by virtue of their dependence from allowable claim 1.

Regarding the rejection of claim 3, the Examiner admitted that Martz does not teach "wherein the second visual representation is a galaxy view," but that Caid discloses or suggests a second visual representation as a galaxy view. Furthermore, regarding claim 10, the Examiner admitted that Martz "does not expressly teach or suggest 'determining a text based identification of the record represented in the selected portion of the first surface map; and displaying the text based information,'" but that Caid discloses or suggests "determining a text based identification

of the record represented in the selected portion of the first surface map and displaying the text based information.” While Applicants agree that Martz does not disclose these steps, Applicants respectfully submit that Caid does not cure the deficiencies of Martz.

Furthermore, claims 3 and 10, by virtue of their dependence from claim 1, recite a combination of steps recited in claim 1, as well as additional steps. For the reasons provided above, Applicants respectfully submit that neither Martz nor Clark disclose or suggest the step of “generating a second visual representation of a plurality of records in the set.” The Examiner, in the rejection of claim 3, alleged that Caid discloses “utilization of a second visual representation as a galaxy view,” apparently asserting that Caid discloses the second visual representation. Applicants first note that this statement is inconsistent with the Examiner’s admission on page 10 of the Office Action that “Caid et al. does not expressly teach or suggest the following steps; [sic] generating a second visual representation of a plurality of records in the set.” Without regard to whether the Examiner admitted that Caid does not disclose or suggest the second visual representation, Applicants submit that it does not.

In Caid, neither Figure 9A nor 9B disclose two visual representations. Caid specifically states that “[r]eferring to FIG. 9A, there is shown a sample display with axes 601 and clusters of icons 901 positioned in the coordinate space defined by axes 601.” (Col. 14:59-62.) Figure 9B similarly defines “an example containing axes 601 and one cluster 901 of icons.” (Col. 15:39-40.) Figures 9A and 9B therefore each show only a single representation. Furthermore, Figure 9C shows “an example of a text window 910 superimposed on a display...Window 910 contains the text of the document associated with icon 909.” Col. 15:53-56. For the reasons provided above, a textual representation of a single record is not a visual representation of a plurality of records as recited in independent claim 1 and dependent claims 3 and 10. Caid therefore does

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not disclose or suggest at least “generating a second visual representation of a plurality of the records in the set,” as required by claims 3 and 10.

Accordingly, no combination of Martz, Caid and Clark discloses or suggests at least “generating a second visual representation of a plurality of the records in the set,” as required by claims 3 and 10. Applicants respectfully submit that claims 3 and 10 are therefore allowable.

Rejection of Claim 12

Regarding claim 12, the Examiner admitted that Martz “does not expressly teach; [sic] linking the surface map to a set of views, wherein at least one of the views comprises a visual representation of a plurality of the records in the set; receiving an input signal selecting a portion of the surface map; and indicating, in a view linked to the surface map, at least one of the records corresponding to the selected portion.” (Office Action at p.6.) The Examiner, however asserted that “CLARK et al. teach/suggest the aforementioned features.” While Applicants agree that Martz does not disclose these steps, Applicants disagree that Clark cures these deficiencies.

Independent claim 12 recites a combination including, for example, “linking the surface map to a set of views, wherein at least one of the views comprises a visual representation of a plurality of the records in the set.” As noted above, with regard to claims 1, no combination of Martz and Clark discloses or suggests both a surface map and a second visual representation. As claim 12 requires at least a “surface map” and “a visual representation of a plurality of the records in the set,” this claim is therefore patentable over Martz, Clark, and Caid, whether taken alone or in any combination.

Rejection of claims 13 and 14

Regarding claim 13, the Examiner admitted that Martz “does not expressly teach generating a second visual representation of a plurality of the records in the set; receiving input

from a user selecting a subset of records on the surface map; analyzing an index to determine if the selected subset is shown in the second visual representation; and altering the second visual representation based on the input, when the selected subset is shown [in] the second visual representation.” (Office Action at p. 7.) Instead the Examiner alleged that “CLARK et al disclose the aforementioned features.” (*Id.*) While Applicants agree that Martz does not disclose these steps, Applicants disagree that Clark cures these deficiencies.

Independent claim 13 recites a combination including, for example, “generating a second visual representation of a plurality of the records in the set.” As noted above, with regard to claim 1, no combination of Martz and Clark discloses or suggests two visual representations, and therefore cannot disclose or suggest, either alone or in combination “generating a second visual representation of a plurality of the records in the set,” as required by claim 13. Accordingly, Applicants submit that claim 13, and claim 14 by virtue of its dependence from claim 13, are allowable.

Rejection of claim 16

Regarding claim 16, the Examiner admitted that “CAID et al does not expressly teach or suggest the following limitations; generating a second visual representation of a plurality of the records in the set; analyzing an index to determine if one or more records in the selected subset are shown in another view; altering the second visual representation based on the input, when one or more records in the selected subset are shown in another view.” (Office Action at p. 10.) Instead, the Examiner alleged that “Clark et al disclose/suggest the aforementioned features.” (*Id.* at 10-11.) While Applicants agree that Caid does not disclose these steps, Applicants disagree that Clark cures these deficiencies.

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Independent claim 16 recites a combination including, for example, “at least one processor configured to execute the program instructions to perform the operations of... generating a first surface map...generating a second visual representation of a plurality of the records in the set.” As noted above, with regard to claims 1, 3, and 10, no combination of Clark, and Caid discloses or suggests at least a surface map and a second visual representation, and therefore cannot disclose or suggest, either alone or in combination “at least one processor configured to execute the program instructions to perform the operations of... generating a first surface map...generating a second visual representation of a plurality of the records in the set,” as recited by claim 16. Accordingly, Applicants submit that claim 16 is allowable.

Rejection of claim 17

Regarding claim 17, the Examiner admitted that Caid “does not expressly teach: the means for analyzing an index to determine if one or more records in the selected subset are shown in another view; and the means for altering the second visual representation based on the input, when one or more records in the selected subset are shown in another view.” (Office Action at pp. 11-12.) Instead, the Examiner alleged that Clark discloses or suggests these features. While Applicants agree that Caid does not disclose these steps, Applicants disagree that Clark cures these deficiencies.

Independent claim 17 recites a combination including, for example, “means for generating a first surface map...means for generating a second visual representation of a plurality of the records from the set.” In the detailed discussion of claim 17, the Examiner has failed to state whether or not Caid discloses or suggests “means for generating a second visual representation,” and has therefore failed to set forth a prima facie case. Regardless, as noted above, with regard to claim 1, 3, and 10, no combination of Clark, and Caid discloses or suggests

a surface map and a second visual representation, and therefore cannot disclose or suggest, either alone or in combination "means for generating a first surface map...means for generating a second visual representation of a plurality of the records from the set," as required by claim 17. Accordingly, Applicants submit that claim 17 is allowable.

In view of the foregoing remarks, applicants respectfully request the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to deposit account 06-0916.

Respectfully submitted,

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Dated: **January 6, 2003**

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